



Natural Resources Conservation Service
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July 9, 2007

NRCS OREGON BULLETIN/INSTRUCTION NO. OR-120-2007-2 Rev 2

Subject: Policies Concerning the Use of Government Vehicles

Purpose: To provide information regarding the current policies concerning the use of government vehicles provided by NRCS.

Background: In Fiscal Year 2003, NRCS Oregon was able to replace a large number of vehicles for the field. The purpose of this bulletin is to re-familiarize all employees with the current policies on the use of government vehicles (GOV) and to provide guidance on the appropriate use of NRCS vehicles by our conservation partners and other USDA agencies.

Appendix A lists the current GSA, USDA, and NRCS policy for use of GOVs. Appendix B lists the rules for reporting vehicle accidents or incidents and provides the forms to make a report. Appendix C provides the safety rules each person must know before operating a GOV. Appendix D lists three scenarios illustrating appropriate and inappropriate uses of the GOVs.

If you have any questions or need clarification of a situation before allowing someone to use the vehicles, please contact the State Administrative Officer at 503-414-3211.

A handwritten signature in black ink, appearing to read "Bob Graham".

BOB GRAHAM
State Conservationist

Appendices A-C
SF-91
SF-94
Application for Use of Government Vehicles for New NRCS Employees

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Appendix A

Policy Regarding Use of Government Vehicles (GOV)

General Regulations

1. Under the provisions of 31 U.S.C. 1344 and 1349 (1982 & Supp. IV 1986), a Government-owned or Government-leased vehicle may only be used for the performance of official business. Official use of a motor vehicle is using a motor vehicle to perform your agency's mission(s), as authorized by your agency. The state conservationist determines what constitutes official government business. The state conservationist should not delegate the responsibility for the decision as to what constitutes official business to anybody lower than the Acting State Conservationist.
2. It is legal to have non-federal employees drive or ride in government vehicles. However, doing so creates a possibility for increased liability for the government. If the state conservationist determines the benefit to NRCS' mission (by allowing non-federal employees to drive or ride in government vehicles) outweighs the potential for increased liability for the government, then a statement to that effect signed by the State Conservationist must be attached to each agreement or contract with any Non-Federal organization using a NRCS GOV.
3. **It is not appropriate to transport animals in a government vehicle under any circumstances unless a seeing-eye companion animal is needed for a passenger in a government vehicle. USDA and SWCD employees using the government vehicles are not permitted to transport animals in the GOV.**
4. Employees assigned the use of Government-owned or Government-leased motor vehicles are responsible for assuring that vehicles are used only for official purposes. Employees shall exercise discretion to avoid, wherever possible, any situation which may tend to convey an impression to the public that the assigned motor vehicle is being used for unofficial purposes. Non-Federal employees should not be transported in U. S. Government vehicles unless for official purposes and written approval has been obtained from the State Conservationist or his/her designee in advance.
5. Supervisory control over employees assigned the use of Government-owned or Government-leased motor vehicles shall include advising employees of the requirements of these regulations.
6. A NRCS GOV may not be used for transportation between an employee's residence and place of employment. In addition, an employee shall not store Government-owned or Government-leased motor vehicles at or near his or her private residence or at other



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unauthorized locations, including, but not limited to, homes of relatives or friends. A NRCS government motor vehicle may be driven between an NRCS employee's residence and place of employment or parked at their residence only if authorized by the State Conservationist or State Administrative Officer upon receiving a request from the employee's supervisor in writing on an AD 728, Request and Authorization for Home-to-Work Transportation. Conditions for approval will normally only be for reasons concerning the safety of the vehicles or compelling financial benefit to the government can be documented. The approval for parking a government vehicle at an employee's residence will not be for a long-term condition or for a recurring reason.

7. An NRCS employee can use the GOV while in travel status under the conditions of the Federal Travel Regulations Section 301-10.220, which state that "You must possess a valid State, District of Columbia, or territorial motor vehicle operator's license and have a travel authorization specifically authorizing the use of a Government-furnished automobile." If an employee is using a GOV for official travel and it is advantageous to the government for the employee to park the vehicle at their residence before or after travel, or if there are security concerns with the vehicles, such as vandalism, employees can be authorized to park the vehicle overnight at their residence or at another NRCS office. This authorization must be approved by the State Conservationist or the State Administrative Officer and requested with an AD728 at the same time as the authorization for use of the vehicle while traveling or in advance of allowing an employee to park the vehicle at their residence.

8. Government contractors may use Government motor vehicles when authorized under applicable procedures and the following conditions: (a) Motor vehicles are used for official purposes only and solely in the performance of the contract. (b) Motor vehicles cannot be used for transportation between residence and place of employment, unless authorized in accordance with 31 U.S.C. 1344 and FPMR 101-6.4. (c) Contractors must: (1) Establish and enforce suitable penalties against employees who use, or authorize the use of, such motor vehicles for unofficial purposes or for other than in the performance of the contract; and (2) Pay any expenses or cost, without Government reimbursement, for using such motor vehicles other than in the performance of the contract.

9. When a Government-owned or Government-leased motor vehicle is under an employees' control, they are responsible for parking or storing the vehicle in a manner that reasonably protects it from theft or damage, and locking the unattended motor vehicle. (The only exception to this requirement is when fire regulations or other directives prohibit locking motor vehicles in closed buildings or enclosures.)



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Use of Government Vehicles by Partner or SWCD Employees

10. Usually equipment is not to be loaned to districts. However, equipment loans may be made if they do not interfere with normal operations and written determination is made by the state conservationist that the benefits to NRCS justify the loan. The NRCS General Manual Title 120, Part 405.21 states "Motor vehicles acquired with Government funds shall be used for official purposes only." "Official purposes" is generally defined as those items of business that further the mission of the NRCS. Non-federal employees may operate NRCS-owned or leased vehicles only if used for official purposes of NRCS and a Cooperative Working Agreement exist between NRCS and the organization authorizing such use. NRCS Oregon defines activities that further the mission of NRCS as those activities contained in a contribution or cooperative agreement between the Soil and Water Conservation District and NRCS. This authorization for use is only good for the period of the agreement or any modifications to an agreement. NRCS and Soil and Water Conservation Districts may enter into agreements authorized by the basic Cooperative Working Agreement allowing authorized employees of the districts to operate NRCS vehicles on NRCS business and insurance is provided by the district as required by GM 120, Part 405.23(m), which states that "If vehicles are loaned to a district, the district is to carry a property damage and bodily injury liability insurance policy, and shall include the United States as an insured there under."

11. Such items of district business may not include moving goods where the district is involved in a profit-making concern, or receiving administrative or technical fees under a non-NRCS grant. See Appendix D for an example of how this may affect district use of the vehicles. Vehicles will not be provided to NRCS offices solely for SWCD use.

12. The Federal Tort Claims Act (FTCA) places liability on the Government for claims arising from automotive accidents involving Government-owned or Government-leased vehicles being driven on official government business. This applies even if the driver is not being paid by the Federal Government. The courts have interpreted that a person performing official business under the direction or supervision of a Federal employee is an employee of the Federal Government as defined in the FTCA. Therefore, NRCS has a responsibility to provide adequate supervision to these employees.

13. If an NRCS vehicle is made available for the use of an individual while performing work under the direction of the district, an agreement for intermittent use of transportation equipment is required (see NRCSPMR 104I-38.7301 for suggested format). The purpose of the agreement is to protect both the driver and the Government.



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14. The terms of the exhibit in NRCSPMR 104I-38.7301 stipulate that the district is to carry a property damage and bodily injury liability insurance policy, and shall include the United States as an insured party. The policy must cover district employees and others under its supervision, while driving NRCS vehicles on NRCS business. See number 9 above and NRCS GM 120 Part 405.23(m). It is required that the amount of insurance should be, as a minimum, that required by state law.

15. NRCS does not have authority to loan our vehicles to RC&D Councils. Public Law (P.L.).-46 contains language which allows us to interpret use of vehicles by the SWCD districts as a form of assistance. Not so with RC&D Councils. It is permissible for an RC&D council member to use an NRCS-owned vehicle while performing work as an Earth Team Volunteer, as long as the requirements in GM 360, Part 428.2(c)(1) thru (5), (1) The volunteer has written authorization; (2) The volunteer has a valid driver's license; (3) The volunteer has no indications of health problems which would impair his/her ability to drive; (4) There is no evidence that the volunteer has a driving record which indicates he/she is an unsafe driver; and (5) When operating a Government-owned or leased vehicle, the volunteer has in his/her possession, at all times, a document identifying them as a volunteer. An Earth Team Volunteer ID card or USDA Government ID may be used for this purpose. The USDA Government ID must be clearly marked "volunteer," indicating that the holder is not an "Official Government Employee." State Conservationists determine what constitutes official business based on the details and circumstances of a particular situation.

Use of Government Vehicles by NRCS Earth Team Volunteers

16. The NRCS General Manual, Title 360, 428.2 states that NRCS Earth Team volunteers may be authorized to perform official travel and be reimbursed accordingly. Normal travel expenses are payable to volunteers by NRCS, as would be necessary for any non-government traveler to conduct official NRCS business when authorized by Form AD-202, Travel Authorization. Volunteers may be authorized by their supervisors to operate Government-owned or Government-leased vehicles on official business, providing the following requirements are met: the volunteer has written authorization; the volunteer has a valid driver's license; the volunteer has no indications of a health problem which would impair his/her ability to drive; there is no evidence that the volunteer has a driving record which indicates he/she is an unsafe driver; and when operating a Government-owned or Government-leased vehicle, the volunteer has in his/her possession, at all times, a document identifying them as a volunteer. An Earth Team Volunteer ID card or USDA Government ID may be used for this purpose. The USDA Government ID must be clearly marked "volunteer," indicating the holder is not an "Official Government Employee."



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Corrective Actions

17. The NRCS General Manual Title 360 Part 420, Subpart O, paragraph 420.149 states "The following events will constitute sufficient cause for adverse or disciplinary action:

- An employee is convicted of operating under the influence of alcohol, narcotics, or pathogenic drugs.
- An employee is convicted of leaving the scene of an accident without making herself/himself known.
- An employee is found not qualified to operate safely because of a physical or medical condition as determined by appropriate medical authority.
- An employee's state license is revoked.
- An employee's state license is suspended. Employees whose position description contains a requirement to operate a motor vehicle on public highways will be accommodated in their position for no longer than 30 days from the date of suspension. If the period of suspension exceeds 30 days, responsible officials will evaluate the work situation to see if the employee can be reassigned to a position which does not require operation of a motor vehicle on public highways. If no position is found, then appropriate action will be initiated to remove or suspend the employee. Loss of driving privileges for 6 months or longer will normally result in a proposal to remove.
- An employee receives a ticket for careless/reckless and/or unlawful speed while driving a Government-owned or Government-leased vehicle.
- A supervisor or property-management officer fails to take appropriate action to determine the qualifications of an incidental operator or fails to properly authorize an employee to operate a Government-owned or Government-leased motor vehicle.
- The following events will constitute sufficient cause to relieve employees, for such period of time as may be necessary, from duties requiring the operations of a motor vehicle:
 - An employee who after investigation is found to be at fault in a motor vehicle accident while operating a Government-owned or Government-leased vehicle.
 - An employee is convicted of a moving violation while operating a Government-owned or Government-leased vehicle.
 - An employee improperly operates a motor vehicle assigned to her/him.
 - An employee fails to comply with federal administration orders relating to motor vehicle operations.
 - An employee is found upon medical examination to fail to meet the appropriate physical standards, but the diagnosed defects are considered by the Departmental medical officer to be of a temporary or remedial nature.
 - An employee is convicted of operating under the influence of "intoxicating liquor." The USDA Guide for Disciplinary Penalties from the Department Personnel



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Manual (DPM-751) states that the “Penalty for a First Offense of willful use of (or authorizing the use of) any Government-owned or Government-leased passenger vehicles or aircraft for other than official purposes shall be a 30-day Suspension to Removal, and for a second offense the penalty is Removal.” The 30-day Suspension is mandatory because Public Law 31 U.S.C. 1349(b) mandates a minimum penalty of a one month suspension for unofficial use of Government passenger carrying vehicles or aircraft.

18. In NRCS Oregon, corrective or disciplinary action will be taken if an employee or other person operating a government vehicle is found to be transporting alcohol, regardless of whether the container is unopened or not.



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Appendix B

Procedures for Reporting a GOV Motor Vehicle Accident or Incident

Reporting Fatalities

1. The supervisor or manager should immediately report an on-the-job fatality to the State Administrative Officer (SAO) by telephone. The SAO will then report the fatality, by telephone or fax, to Office of Worker's Compensation Program (OWCP)'s district office.
2. The SAO will call a board of inquiry to investigate the fatality, as described in the General Manual, Title 120, Part 420.

Reporting Motor Vehicle Accidents

3. A motor vehicle accident is an incident involving the operation of any motor vehicle that is being used for official business, and that results in damage to property or injury to persons. Also, follow guidelines outlined in the General Manual Title 120 - Part 405 - Subpart B - Accidents, for accident reporting purposes. A motor vehicle used on official business may be a Government-or USDA-owned or leased vehicle, or a privately-owned vehicle.
4. If a private citizen is injured, or if there is damage to private property, refer all contacts for claims to the SAO.
5. Motor vehicle accidents do not include incidents which result in damage to vehicles properly or legally parked, or accidents resulting solely from natural causes with no human intervention (such as earthquakes, floods, etc.). For incident reporting purposes, this type of accident damage if \$350 or more will be reported as property damage on an (AD-872). For administrative services requirements, all property and motor vehicle accidents will be reported in accordance with procedures outlined in the NRCS General Manual Title 120, Part 405, Subpart B - Accidents.
6. If the State Accident Review Committee in its investigation of a motor vehicle accident determines that no NRCS employee was at fault (non-preventable), the incident should be reported as a property damage incident, using AD-872 if \$350 or more, and the original motor vehicle accident report will be removed from the Incident Reporting System. The processing unit should be notified in order to make this entry change.



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7. If you are driving a GOV and you are involved in an accident with a government vehicle, please take the following steps:

- a. Take necessary emergency action. This includes notifying the police.
- b. **Do not sign or make a statement as to responsibility.**
- c. Get the facts.
- d. Make an immediate report. This includes notifying your supervisor and the SAO and administrative staff in the state office.
- e. If you or another employee is injured, contact the Human Resources staff for guidance on the OWCP forms to be completed.
- f. Make a written report to the administrative staff on the appropriate form included in this instruction.
- g. If you have a claim for damages, please contact your supervisor.
- h. A Motor Vehicle Accident Reporting Kit is included in the glove compartment of each government vehicle. It should contain:
 - SF-91, Operator's Report of Motor Vehicle Accident, to be completed by the driver.
 - SF-94, Statement of Witness, to be completed by each witness.
- i. Copies of these reports are included in this instruction for use and duplication as necessary. All drivers are responsible for ensuring that the vehicle you are driving contains all of the items listed above.



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Appendix C

Safety Requirements for Motor Vehicle Operators

Cell Phone Use in a Government Vehicle

1. Use of a hand held wireless phone while driving a NRCS GOV is not allowed. If an employee needs to make or receive a call with a hand held cell phone while driving a GOV, they should pull over to the side of the road or have a passenger receive or make the call. Employees may use a hands free attachment for their cellular phone while driving a government vehicle. However, this does not relieve employees of their responsibility to drive in a safe and appropriate manner, and if use of a hands free device is found to be the cause of a motor vehicle accident, employees will still be subject to appropriate disciplinary action.
2. Any GOV operator who uses a cell phone and is in an accident while using the phone could be subject to disciplinary action depending on the circumstances.

Tobacco Use in a Government Vehicle

3. Use of tobacco products in NRCS government vehicles is prohibited. Employees may use chewing tobacco in a government vehicle, however, please observe common courtesy for other employees and do not leave a spit container in the vehicle.

Alcohol Use and/or Transport in a Government Vehicle

4. Using an intoxicating beverage before driving or while driving a government vehicle is prohibited. In addition, transporting alcohol in a government vehicle is not allowed, even if the alcohol is in an unopened container.

Obeying the Posted Speed Limits in a Government Vehicle

5. All NRCS GOV operators are required to obey all posted speed limits at all times. GOV operators are personally responsible for obeying all state and local traffic and parking laws.
6. If a NRCS GOV operator is fined or otherwise penalized for a traffic or parking offense committed while on official duty, the payment is the GOV operator's responsibility.



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Use of Seat Belts in a Government Vehicle

7. All NRCS GOV operators and passengers must use seat belts at all times while in a moving GOV.

Licensing Requirement

8. All GOV operators are required to have a **valid** state driver's license.

9. In addition, all GOV operators, while operating a Government-owned or Government-leased vehicle, must have in their possession an identification card or other document which identifies the driver as an employee of the Natural Resources Conservation Service or as an employee working under a cooperative arrangement with NRCS.

Application Requirements for New Employees

10. The NRCS General Manual, Title 360, Part 420, Subpart O, paragraph 420.145 states "New employees who are to be GOV operators must request authorization to drive a Government-owned or Government-leased vehicle from their immediate supervisor. This request must be in the form of a **memorandum** and must contain the following:

Number of current valid license and state issued.

List of arrests or summonses for violation of motor vehicle laws (excluding non-moving violations) and convictions, if any.

Any suspensions or revocations of his/her state license or agency driver authorization within the past 5 years.

Any motor vehicle accident within the past 5 years.

Employing offices will provide instruction on filing of information obtained from new employees."

A copy of the form "Application for Use of Government Vehicles for New NRCS Employees" is included in this instruction and duplication is authorized. This form may be used to request authorization for SWCD employees to use NRCS Government vehicles, but the form must be signed by the NRCS District Conservationist for that particular county.

Physical Requirements

11. If a health problem is identified which would tend to impair an employee's capability to safely operate a motor vehicle, the supervisor or other responsible official should



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obtain a professional medical evaluation of the problem and submit the evaluation to the Human Resources staff in the state office. It will then be referred to NHQ and USDA's medical officer for an opinion on whether or not authorization to drive should be continued.

Driving Record Review

12. All GOV operators are required to notify their immediate supervisor of **any** citation (in a GOV or in a private vehicle used for government purposes) for a moving-traffic violation as soon as practical after receiving the citation.

13. GOV operators also are required to notify their supervisor as soon as practical of the disposition to the citation, including suspension or revocation of the state driving license. Failure to make a timely report will result in disciplinary action against the offending employee.

Transportation of Explosives

14. Employees are prohibited from using a GOV to transport firearms or explosives.

Transport of Animals in Government Vehicles

15. It is not appropriate to transport animals in a government vehicle under any circumstances unless a seeing-eye companion animal is needed for a passenger in a government vehicle. USDA and SWCD employees using the government vehicles are not permitted to transport animals in the GOV.



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Appendix D

Examples of Appropriate and Non-Appropriate Use by NRCS and Non-Federal Personnel

1. Use of a Government Vehicle by a Contractor

Example: NRCS will be contracting for rangeland management services for soil survey interpretive work. In order to provide these services it is determined that the contractor must accompany NRCS employees in performing on-site field reviews and drive-by review of soil survey areas for providing interpretive data, including rangeland management, in the development of the soil survey reports. It would be inefficient and more costly to require the contractor to follow NRCS employees in another vehicle and try to use radio/cell phone contact and/or stopping vehicles, exiting vehicles to discuss visual field reconnaissance of the area, re-enter vehicles and proceed to next site. It would be more efficient and more cost effective to use one vehicle containing the whole review team.

Response: In this case, the contractor would not be "operating" the vehicle, but riding in the vehicle. The vehicle would be used for official purposes. The agreement or contract between NRCS and the contractor's organization must contain provisions for authorizing such use.

2. Use of a Government Vehicle by a NRCS Employee

Example: A NRCS engineer is surveying a WRP easement with assistance from his student trainee. While on the property, the landowner invites them to help themselves to a cord of firewood stacked on the property as his thanks for their efforts. The engineer and his student load the firewood in the back of their GOV and drive to their next appointment. They return the GOV at the end of the day, having stopped off at the engineer's home after their last appointment to unload the firewood.

Response: First, NRCS employees cannot accept gifts for performing their official duties (see 5 CFR Part 2635, Subpart B (Acceptance of Gifts from Outside Sources.)) So the NRCS employees should have politely declined the offer of the wood. In addition, the transporting of the wood is misuse of the government vehicle, since it was used to transport an improper gift. The use of the GOV for their surveying the easement and other appointments was official use of the GOV. However, the actions that involved accepting the wood, loading it into the GOV, and transporting it to the residence are considered misuse of the GOV, and these employees are subject to disciplinary action.



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3. Use of a Government Vehicle by a SWCD Employee

Example: A SWCD employee is directed by the SWCD District Manager to use one of NRCS's trucks that happens to be available to pick up a load of equipment needed to install a practice on a landowner's farm for a NRCS contract. Since the farm supply store is two blocks down the road from the nursery that is providing the trees for the SWCD plant sale that weekend, the District Manager also asks the SWCD employee to stop by the nursery and pick up the first load of trees for the sale. The employee agrees, takes the truck and picks up the equipment and the trees.

Response: Paragraph 9 of Appendix A of this document indicates that the rules for use of NRCS vehicles by SWCD employees do not include moving goods where the district is involved in a profit-making concern. Therefore, the NRCS GOV cannot be used to pick up the trees for the plant sale. The use of the NRCS GOV, when available, to pick up equipment the district needs to install a practice for a landowner with a NRCS contract is an authorized use of the GOV if the work the district is doing for NRCS is included as a deliverable in a cooperative or contribution agreement with NRCS.